

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 7988 Permit 4396 License 2034

**ORDER ADDING POINT OF DIVERSION,
ISSUANCE OF SEPARATE LICENSES,
AND REVOCATION OF ORIGINAL LICENSE**

WHEREAS:

1. License 2034 was issued to Sacramento and San Joaquin Drainage District and was filed with the County Recorder of Sutter County on July 3, 1940.
2. License 2034 was subsequently assigned to the Central Gun Club, Inc. et al.
3. A petition to change the point of diversion has been filed with the State Water Resources Control Board (SWRCB).
4. A request for issuance of separate licenses to reflect individual ownership in License 2034 has been filed with the SWRCB.
5. The SWRCB has determined that said change will not constitute a new right nor operate to the injury of any other lawful user of water and that good and sufficient cause has been shown for said change.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The addition of a movable point of diversion under this license shall be as follows:

A movable point of diversion is added on the State Drain at the junction with Poodle Creek on the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ to Wadsworth Canal within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 29, T15N, R2E, MDB&M, via the East Borrow Pit of the Sutter Bypass to the above junction on the State Drain.

2. License 2034 be replaced by License 2034A issued to Helen Davis, License 2034B issued to Frye Farms, License 2034C issued to Louis Tarke, License 2034D issued to Katherine D. Bryant, License 2034E issued to Thomas E. Frye, License 2034F issued to Central Land Company, License 2034G issued to Edwina D. Park, License 2034H issued to David E. Nall, and License 2034I issued to Anna Tarke.

3. Superseded License 2034 is hereby revoked, effective upon issuance of Licenses 2034A, 2034B, 2034C, 2034D, 2034E, 2034F, 2034G, 2034H, and 2034I.

4. Separate license be issued as follows:

A. License: 2034A
Owner: Helen Davis
2603 Schlag Road
Yuba City, CA 95991
Source: Poodle Creek and State Drain tributary to
Sacramento River in Sutter County
Use: Irrigation
Amount: 1.5 cubic feet per second
Season: March 1 to October 31
Point of
Diversion: A moveable point of diversion between limits as
follows:

From: South 2,600 feet and East 1,000 feet from
NW corner of projected Section 29, T15N, R2E,
MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 29.

To: South 2,600 feet and West 1,200 feet from NE
corner of projected Section 29, T15N, R2E, MDB&M,
being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 29.

Place of Use: 31.4 acres within N $\frac{1}{2}$ of SW $\frac{1}{4}$ of projected Section
29, T14N, R2E, MDB&M. 81.0 acres within SE $\frac{1}{4}$ of
projected Section 29, T15N, R2E, MDB&M.
112.4 acres total, as shown on map filed with
State Water Resources Control Board.

B. License: 2034B
Owner: Frye Farms

c/o Holly Rohrback
3788 Lincoln Road
Yuba City, CA 95991

Source: East Borrow Pit of Sutter Bypass tributary to
Sacramento River in Sutter County

Use: Irrigation

Amount: 1.97 cubic feet per second

Season: March 1 to October 31

Point of

Diversion: A moveable point of diversion between limits as
follows:

From: South 1,800 feet and West 1,400 feet from
NE corner of projected Section 30, T15N, R2E,
MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 30.

To: South 900 feet and West 2,600 feet from NE
corner of projected Section 30, T15N, R2E, MDB&M,
being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 30.

Place of Use: 34.1 acres within W $\frac{1}{2}$ of NE $\frac{1}{4}$ of projected Section
30, T15N, R2E, MDB&M.
46.0 acres within SW $\frac{1}{4}$ of projected Section 30,
T15N, R2E, MDB&M.
55.0 acres within W $\frac{1}{2}$ of SE $\frac{1}{4}$ of projected Section
30, T15N, R2E, MD&M.
135.1 acres total, as shown on map filed with
State Water Resources Control Board.

C. License: 2034C

Owner: Louis Tarke
Route 2, Box 681
Sutter, CA 95982

Source: East Borrow Pit of Sutter Bypass tributary to
Sacramento River in Sutter County

Use: Irrigation

Amount: 0.12 cubic foot per second

Season: March 1 to October 31

Point of

Diversion: South 900 feet and West 2,600 feet from NE corner
of projected Section 30, T15N, R2E, MDB&M, being
within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 30.

Place of Use: 4.0 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section
30, T15N, R2E, MDB&M. 4.0 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$
projected Section 30, T15N, R2E, MDB&M. 8.0 acres
total, as shown on map filed with State Water
Resources Control Board.

D. License: 2034D
Owner: Katherine D. Bryant
3492 Colusa Highway
Yuba City, CA 95991
Source: East Borrow Pit of Sutter Bypass tributary to
Sacramento River in Sutter County
Use: Irrigation
Amount: 2.90 cubic feet per second
Season: March 1 to October 31
Point of
Diversion: A moveable point of diversion between limits as
follows:

From: North 1,600 feet and West 1,300 feet from
SE corner of projected Section 24, T15N, R1E,
MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 24.

To: North 2,500 feet and West 2,600 feet from SE
corner of projected Section 24, T15N, R1E, MDB&M,
being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 24.

Place of Use: 21.4 acres within S $\frac{1}{2}$ of NW $\frac{1}{4}$ of projected Section
24, T15N, R1E, MDB&M.
85.0 acres within SW $\frac{1}{4}$ of projected Section 24,
T15N, R1E, MDB&M.
91.0 acres within SE $\frac{1}{4}$ of projected Section 24,
T15N, R1E, MDB&M.
2.6 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section
19, T15N, R2E, MDB&M.
200.0 acres total, as shown on map filed with
State Water Resources Control Board.

E. License: 2034E
Owner: Thomas E. Frye
3699 Colusa Highway
Yuba City, CA 95991
Source: East and West Borrow Pit of Sutter Bypass
tributary to Sacramento River in Sutter County
Use: Irrigation
Amount: 6.65 cubic feet per second
Season: March 1 to October 31
Points of
Diversion: Movable points of diversion between limits as
follows:

From: North 500 feet from SW corner of projected
Section 24, T15N, R1E, MDB&M, being within SW $\frac{1}{4}$ of
SW $\frac{1}{4}$ of said Section 24.

To: South 200 feet and East 900 feet from NW corner of projected Section 25, T15N, R1E, MDB&M, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 25.

From: South 500 feet and West 200 feet from NE corner of projected Section 23, T15N, R1E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 23.

To: South 700 feet and East 1,700 feet from NW corner of projected Section 23, T15N, R1E, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 23.

Place of Use:

9.6 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 14, T15N, R1E, MDB&M.

9.1 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 22, T15N, R1E, MDB&M.

77.4 acres within SE $\frac{1}{4}$ of projected Section 23, T15N, R1E, MDB&M.

174.0 acres within N $\frac{1}{2}$ of projected Section 23, T15N, R1E, MDB&M.

109.8 acres within W $\frac{1}{2}$ of projected Section 24, T15N, R1E, MDB&M.

79.2 acres within N $\frac{1}{2}$ of projected Section 25, T15N, R1E, MDB&M.

459.1 acres total, as shown on map filed with State Water Resources Control Board.

F. License:

2034F

Owner:

Central Land Company
c/o John Saunders
784 Tudor Road
Yuba City, CA 95991

Source:

West Borrow Pit of Sutter Bypass tributary to Sacramento River in Sutter County

Use:

Irrigation

Amount:

1.64 cubic feet per second

Season:

March 1 to October 31

Points of

Diversion:

A movable point of diversion between limits as follows:

From: South 2,700 feet and West 1,250 feet from NW corner of projected Section 32, T15N, R2E, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 32.

To: South 2,700 feet and West 3,200 feet from NW corner of projected Section 32, T15N, R2E, MDB&M,

being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 32.

Place of Use: 1.7 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 31, T15N, R2E, MDB&M.
23.6 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 32, T15N, R2E, MDB&M.
7.0 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 32, T15N, R2E, MDB&M.
40.0 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 32, T15N, R2E, MDB&M.
40.0 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 32, T15N, R2E, MDB&M.
112.3 acres total, as shown on map filed with State Water Resources Control Board.

G. License: 2034G
Owner: Edwina D. Park
c/o Loretta Dean
P.O. Box 516
Sutter, CA 95982
Source: East Borrow Pit of Sutter Bypass tributary to Sacramento River in Sutter County
Use: Irrigation
Amount: 0.14 cubic foot per second
Season: March 1 to October 31
Points of
Diversion: North 2,600 feet and West 400 feet from SE corner of projected Section 30, T15N, R2E, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 30.
Place of Use: 10.3 acres total within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 30, T15N, R2E, MDB&M as shown on map filed with State Water Resources Control Board.

H. License: 2034H
Owner: David E. Nall
338 Hunn Road #10
Yuba City, CA 95991
Source: West Borrow Pit of Sutter Bypass tributary to Sacramento River in Sutter County
Use: Irrigation
Amount: 1.17 cubic feet per second
Season: March 1 to October 31
Points of
Diversion: South 2,250 feet and West 1,600 feet from NE corner of projected Section 25, T15N, R1E, MDB&M, within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 25.

Place of Use: 1.4 acres within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 25, T15N, R1E, MDB&M.
79.0 acres within NE $\frac{1}{4}$ of projected Section 25, T15N, R1E, MDB&M.
80.4 acres total, as shown on map filed with State Water Resources Control Board.

I. License: 2034I
Owner: ~~Anna Tarke~~ 5-19-00 assigned to Kermit Tarke
c/o James Tarke
Route 2, Box 685
Live Oak, CA 95953
Source: East Borrow Pit of Sutter Bypass tributary to Sacramento River in Sutter County
Use: Irrigation
Amount: 2.66 cubic feet per second
Season: March 1 to October 31
Points of
Diversion: A movable point of diversion between limits as follows:

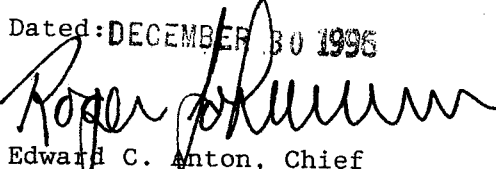
From: North 600 feet and West 1,750 feet from SE corner of projected Section 14, T15N, R1E, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 14.

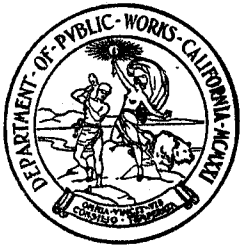
To: North 1,100 feet and East 2,500 feet from SE corner of projected Section 14, T15N, R1E, MDB&M, within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 14.

Place of Use: 100 acres within S $\frac{1}{2}$ of projected Section 14, T15N, R1E, MDB&M.
83 acres within N $\frac{1}{2}$ of projected Section 23, T15N, R1E, MDB&M.
183 acres total, as shown on map filed with State Water Resources Control Board.

5. License 2034A, 2034B, 2034C, 2034D, 2034E, 2034F, 2034G, 2034H, and 2034I shall contain all other appropriate terms and conditions presently in License 2034 or the updated versions for compliance with the SWRCB's policy.

Dated: DECEMBER 30 1996


Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

Notice of Assignment (Over)

LICENSE 2034

PERMIT 4396

APPLICATION 7988

THIS IS TO CERTIFY, That Sacramento and San Joaquin Drainage District,
Sacramento, California,

has made proof to the satisfaction of the Division
of Water Resources of California of a right to the use of the waters of Wadsworth Canal and East and
West Borrow Pits of Sutter By-pass in Sutter County
tributary of Sacramento River

for the purpose of irrigation use
under Permit 4396 of the Division of Water Resources and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources
and the terms of the said permit; that the priority of the right herein confirmed dates from June 22, 1934;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed one and five tenths (1.5)
cubic feet per second from Wadsworth Canal and seventeen and twenty-five hun-
dredths (17.25) cubic feet per second from East and West Borrow Pits, or a total
of eighteen and seventy-five hundredths (18.75) cubic feet per second from about
March 1st to about October 31st of each season. In accordance with the provisions
of Section 42 of the Water Commission Act, nothing herein shall be construed as
confirming the right to use more than two and one-half (2½) acre feet of water
per acre in any one year in the irrigation of uncultivated areas of land not
devoted to cultivated crops.

The points of diversion of such water are located: For Wadsworth Canal at any place
along the right bank within the SE¼ of Section 29, T 15 N, R 2 E, M.D.B.&M. and
on the East and West Borrow Pits of Sutter By-pass between the Sacramento Northern
Railway and the 1/4 section line running east and west through the center of
Sections 32 and 33, T 15 N, R 2 E, M.D.B.&M.; being within Sections 14, 22, 23,
24 and 25, T 15 N, R 1 E, and Sections 19, 30, 31, 29 and 32, T 15 N, R 2 E, M.D.B.&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

119 acres in Section 14, T 15 N, R 1 E, M.D.B.&M.

7	"	"	Section 22,	"	"	"
362	"	"	Section 23,	"	"	"
343	"	"	Section 24,	"	"	"
177	"	"	Section 25,	"	"	"
13	"	"	Section 19,	"	R 2 E,	"
115	"	"	Section 29,	"	"	"
229	"	"	Section 30,	"	"	"
18	"	"	Section 31,	"	"	"
117	"	"	Section 32,	"	"	"

1500 acres, total, as shown on that map entitled "Lands of Sacramento and San
Joaquin Drainage District" filed with the Division of Water Resources,
June 22, 1934.

As there is a possibility that there will not be sufficient water in Sacramento
River during the latter part of the irrigation season to satisfy all requirements,
this license is issued subject to the express condition that the use hereunder may
be regulated by the Division of Water Resources during such periods of water scarcity
to the end that such use will not interfere with rights under prior applications.

As modified herein, this license is granted and said appropriator takes
therein mentioned subject to all of the terms and conditions contained in

which shall be filed promptly by licensee on appropriate forms which will be
filed with the Division of Water Resources.

It is hereby confirmed that the right to the diversion and use of the water aforesaid hereby confirmed
is limited to the lands or place of use herein described.

for the purpose from

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that at any time after the expiration of twenty years after the granting of a license, the state or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the use of said permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, for the useful and beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and providing, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.



Witness my hand and the seal of the Department of Public

Works of the State of California, this 28th
day of June, 1940.

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy

5-26-45 Partial RECEIVED NOTICE OF ASSIGNMENT TO Fred S. Betty, H.E. S.W.,
Elda, + Ruth W. Frye, Loyal E. Hewitt George Wynecoop,
Edward + Edwina Allan, Elden + Anna Tarke + W. Leo Null
5/12/52 RECEIVED NOTICE OF ASSIGNMENT TO Edward E. Mall

11-3-60 game chg from George Wynecoop to Estate of
George Wynecoop

10-19-60 RECEIVED NOTICE OF ASSIGNMENT TO of Int. of S.W. Frye + Elda Frye
to Gerula A. Frye + Katherine Bryant

11-14-60 RECEIVED NOTICE OF ASSIGNMENT TO of Int. of Elden Tarke to
Anna, James + Douglas Tarke

12-18-60 Int. of Anna Tarke to James and Douglas Tarke
RECEIVED NOTICE OF ASSIGNMENT TO

LICENSE 2034

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

Sacramento and San Joaquin
Drainage District

ISSUED TO

June 28, 1940

DATED

22034

9-27-66 Name of Loyel E. Hewitt chgd to Estate of Loyel E. Hewitt ~~10-6-66~~ RECEIVED NOTICE OF ASSIGNMENT ~~to~~ Interest of Estate of Loyel E. Hewitt to J. R. and Geraldine McBride

~~10-17-66~~ RECEIVED NOTICE OF ASSIGNMENT ~~to~~ Interest of Estate of George W. Synecrope to Louis and Richard Tarke and Jane Anderson

3/6/67. Records chgd to show Sacramento & San Joaquin Drain Dist., Central Sun Club, Inc., Fred S. Betty, U. E. Frye, Ruth Frye, Gerald Frye, Katherine Bryant, Louis Tarke, Richard Tarke, James Anderson, Edward Dean, Edwina Dean, R. A. Schnabel, James Tarke, Douglas Tarke & Edward E. Nae as owners;

2/17/69 Name chg to Estate of Fred S. Betty

4/8/69 RECEIVED NOTICE OF ASSIGNMENT TO ~~Bertha Betty~~ ^{of Int of Est of Fred S. Betty} Helen Davis

1-14-72 Interest of Sacramento San Joaquin Drainage District dropped

12/3/74 Name chgd to Estate of Bertha Betty
2/21/75 Name chgd to Estate of Edward Dean

4-29-75 Name Edwina S. Dean chgd to Estate of Edwina S. Dean

12-6-78 Int of Estate of Bertha Betty asgd to Helen Davis

12-21-79 Int of Edward E. Nae asgd to David E. Nae

License 2034
Application 7988